IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3612 OF 2006

Shri Harishchandra Bhaskar Mhatre ..Petitioner.

V/s.

Shri Dwarkanath Hari Patil & Ors. ..Respondents.

Mr.A.D.Vidwans & Atul Damle with S.S.Gawade for petitioner.

CORAM : R.M.SAVANT, J.

DATED : 6TH JUNE, 2007.

P.C. :-

This petition is filed under Article 227 of the Constitution of India impugning the Judgment and order dated 22/2/2005 passed in RTS-REV-315/2004. By the said order, the petitioner's Revision Application came to be dismissed.

2. The subject matter of the dispute is Mutation Entry No.4024 and 4025 which have been sanctioned on 15/1/1980. The said Mutation Entry was effected pursuant to the sale deed executed on 20/11/1979 by one Yaminibai Bhaskar Mhatre, who was a tenant and became the deemed purchaser as per the Bombay Tenancy & Agricultural Lands Act, 1948. The authorities below, including the Revisional Authority

had rejected the application on the ground of delay. The petitioner has already filed a suit in the Civil Court at Vasai relating to the suit property for declaration as owner and that the sale deed executed by the said Yamunabai are not binding on him. In the said suit, no interim relief has been granted to the petitioner.

3. The two authorities have held against the petitioner by recording findings which in my view do not require any interference by this Court under Article 227 of the Constitution of India. However, it is made clear that the dismissal of the present petition would not come in the way of the petitioner prosecuting the said suit and the same would be decided on its own merits in accordance with law and that the Mutation Entries would be subject to the decision in the said Civil suit.

4. With the aforesaid observations, the petition is dismissed.

(R.M.SAVANT, J.)